

Rule 4003-2

Lien Avoidance

- (a) A party seeking to avoid a lien pursuant to § 522(f) of the Code shall file a motion and give fourteen (14) days notice to the trustee and the creditor holding the lien in accordance with LBR 2002-1.
- (b) The motion shall contain:

 - (1) A description and statement of the value of the property encumbered as if there were no liens on the property;
 - (2) A description and the amount of the lien to be avoided;
 - (3) Specific identification of the statutory authority for avoiding the fixing of the lien; either a judicial lien or a non-possessory, non-purchase money security interest;
 - (4) A description and the amount of all other liens on the property, individually identified as to each lien holder, and a statement whether any such liens have or are subject to being avoided under this rule, or a statement that there are no other liens; and
 - (5) A statement as to the specific statutory exemption claimed and the amount of the exemption claimed.
- (c) Service of the notice and motion on the lien creditor shall be in accordance with FRBP 7004.

Related Provisions

FRBP 4003	Exemptions
FRBP 9006	Computing and Extending Time
FRBP 9014	Contested Matters
LBR 2002-1	Notice to Creditors and Other Interested Parties
11 USC 522(f)	Exemptions

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